



EXPRESS CERTIFICATE OF MAILING

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I hereby certify that the *attached* correspondence comprising: 1). Declaration under 37 CFR §1.130, Declaration of Prior Invention by Raymond P. Mariella, Jr. to Overcome Cited Patent (2 pages) w/attachments (36 pages) is being deposited with the United States Postal Service "Express Mail Post Office to addressee" in an envelope addressed to: Non-Fee Amendment, Commissioner for Patents, Washington, DC 20231 on March 13, 2002.

Kathy Raymond  
Kathy Raymond

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Mariella	Docket No. :	IL-10560
Serial No. :	09/662,392	Art Unit :	1744
Filed :	09/14/00	Examiner :	Sean E. Conley
For :	DETECTION AND TREATMENT OF CHEMICAL AND BIOLOGICAL AGENTS		

DECLARATION UNDER 37 CFR §1.131  
Declaration of Prior Invention by Raymond P. Mariella, Jr.  
to Overcome Cited Patent

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

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I, Raymond P. Mariella, Jr., hereby declare that:

- (1) I am the inventor named in the subject application;
- (2) I am a citizen of the United States and a resident of Danville,

California;

(3) I am Director of the Center for Microtechnology of the University of California, Lawrence Livermore National Laboratory;

- (4) My education includes:

Ph.D. in Physical Chemistry (D. Hershbach, W. Klemperer), Harvard University;  
A.M. in Physical Chemistry, Harvard University; and  
B.A. Triple Major in Chemistry (research under R.F. Curl, Jr.), Chemical Engineering, and Mathematics, magna cum laude, Rice University;

(5) I received the following honors:

LLNL Nonproliferation, Arms-Control, and International Security  
Directorate Award, for co-inventing a portable DNA analyzer;  
LLNL Director's Award, for co-leading the team to JFT III, Dugway  
Proving Grounds;  
Elected to the New York Academy of Sciences;  
Elevated to Senior Member in IEEE;  
Selected for American Men and Women of Science, 15<sup>th</sup> and 20<sup>th</sup>  
Editions;  
Who's Who in America;  
Who's Who in Science and Engineering;  
Who's Who in Technology;  
Who's Who in Technology Today;  
Who's Who in Lasers and Quantum Mechanics;  
International Who's Who in Engineering;  
International Who's Who of Professionals 2000 Edition;  
Selected as Woodrow Wilson Fellow;  
Graduated magna cum Laude;  
Phi Beta Kappa;  
Tau Beta Pi;  
Sigma Xi (Chemical Research Honor Soc.);  
Delta Phi Alpha (German Honor Soc.);  
Recipient of American Chemical Society Award in Analytical  
Chemistry;  
Recipient of the Texas Society of Professional Engineers Award  
for Excellence in Mathematics;

(4) I made the invention described and claimed in the subject patent  
application (hereinafter "The Invention") in this country prior to September 3,  
1999; I made written descriptions of The Invention in this country prior to  
September 3, 1999; and I disclosed The Invention to others in this country prior

to September 3, 1999; September 3, 1999 is the filing date of the application from which U. S. Patent No. 6,263,816 matured;

(5) Prior to September 3, 1999 I completed a "RECORD OF INVENTION" describing The Invention in this country, a photostatic copy of which is attached hereto as Attachment A, the dates on the RECORD OF INVENTION have been blacked out; however, the dates are prior to September 3, 1999 (the filing date of the application from which U. S. Patent No. 6,263,816 matured);

(6) I continuously worked on testing, developing, and patenting The Invention during the period from the time when I made the first written description of The Invention and disclosed The Invention to others until September 14, 2000 when the subject application was filed (hereinafter "The Time Period");

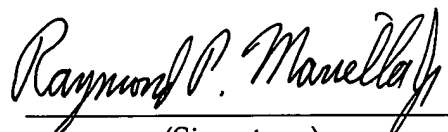
(7) I have obtained copies of documents maintained in the ordinary course of business of the University of California, the Lawrence Livermore National Laboratory, and the United States Department of Energy (DOE) showing that I made The Invention in this country prior to September 3, 1999, that I made written descriptions of The Invention in this country prior to September 3, 1999, that I disclosed The Invention to others in this country prior to September 3, 1999, and that testing, developing, and patenting of The Invention was continuously worked on during The Time Period, photostatic copies of the documents maintained in the ordinary course of business of the

University of California, the Lawrence Livermore National Laboratory, and the United States Department of Energy (DOE) are attached hereto as Attachments B, C, D, E, F, and G; the dates on Attachments B, C, D, E, F, and G have been blacked out; however,

dates showing that I made The Invention prior to September 3, 1999  
are dates prior to September 3, 1999, and  
dates showing that The Invention was continuously worked on during  
The Time Period are dates during The Time Period;

(8) I do not know and do not believe that the invention has been in public use or on sale in this country, or patented or described in a printed publication in this or any foreign country for more than one year prior to my application, and I have never abandoned my invention;

(9) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
(Signature)

Declarant: Raymond P. Mariella, Jr.

Dated: 27 Feb 2002  
Livermore, California